

GOVERNOR'S OFFICE OF ELECTRONIC HEALTH INFORMATION

Cabinet for Health and Family Services Governor's Office of Electronic Health Information Information Technology Policies

Category: 1 000.000

Category Title: PARTICIPANT OBLIGATIONS

000.000 Policy Title: Compliance with Law and Policy

Policy: Compliance with Law and Policy

- 1. Laws:** Each Participant shall, at all times, comply with all applicable federal, state, and local laws and regulations, including but not limited to, those protecting the confidentiality and security of protected health information and establishing certain individual privacy rights. Each Participant shall use reasonable efforts to stay abreast of any changes or updates to and interpretations of such laws and regulations to ensure compliance.
- 2. KHIE Policies:** Each Participant shall, at all times, comply with KHIE policies. KHIE's policies may be revised and updated, as deemed necessary. KHIE shall notify Participants of all policy changes. Each Participant is responsible for ensuring it has, and is in compliance with, the most recent version of KHIE policies.
- 3. Participant Policies:** Each Participant is responsible for ensuring that it has the appropriate and necessary internal policies for compliance with applicable federal, state, and local laws as well as KHIE policies.
- 4. Participant Criteria:** Each Participant shall itself be a HIPAA "Covered Entity" and, thus, subject to both its individual legal duty as a regulated Covered Entity under HIPAA and its contractually assumed obligations under its Participation Agreement.
- 5. User Criteria:** Authorized Users are individuals who have been granted access authority. Each Authorized User derives his or her permission to access and use the system from a Participant. Therefore, each Authorized User must maintain a current relationship to a Participant in order to use the system. Authorized Users must therefore be: (i) Participants (for example, an individual physician) or a member of the workforce of a Participant, (ii) an individual Business Associate or workforce of such Business Associate, or (iii) an individual contractor or subcontractor of a Business Associate or workforce of such contractor or subcontractor.

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6. Application to business associates and contractors: Participants shall make this policy applicable to their Business Associates and to the contractors and subcontractors of their Business Associates, as they deem appropriate through the terms of their Business Associate agreements.

Scope: This policy applies to all Participants and their Authorized Users, including all persons providing contractor services.

Policy/Procedure Maintenance Responsibility: The Governor's Office of Electronic Health Information is responsible for the maintenance of this policy.

Exceptions: There are no exceptions to this policy.

Review Cycle: Bi-Annual

Timeline:

Revision Date:

Review Date:

Effective Date: